

## UNITED STATES DISTRICT COURT

for the  
Northern District of New York

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

U.S. Postal Service Priority Mail Parcel  
9505-5131-8266-7100-0953-39, addressed to  
Patty Bayer, 35 Madison Avenue, Auburn, NY 13021

Case No. 5:17-mj-171(ATB)

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Northern District of New York, there is now concealed (identify the person or describe the property to be seized):

Controlled substances and/or narcotics proceeds, packaging, shipping records, notes, and correspondence, and/or evidence tending to identify the source of the package and the intended recipient of the above-described Priority Mail Parcel.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

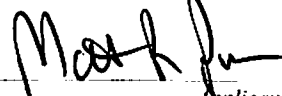
Code Section  
21 USC 841

Offense Description  
Distribution or Possession with Intent to Distribute a Controlled Substance

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

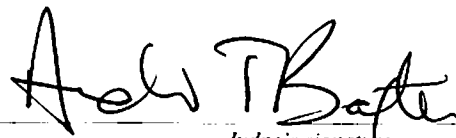


Applicant's signature

U.S. Postal Inspector Matthew Puro  
Printed name and title

Sworn to before me and signed in my presence.

Date: 04/18/2017



Judge's signature

City and state: Syracuse, New York

Hon. Andrew T. Baxter, U.S. Magistrate Judge  
Printed name and title

IN THE MATTER OF THE APPLICATION FOR A SEARCH WARRANT

AFFIDAVIT

City of Syracuse                    )  
County of Onondaga ) ss.:  
State of New York                )

U.S. Postal Inspector Matthew R. Puro, being duly sworn, deposes and says:

1. I am a United States Postal Inspector currently assigned to Syracuse, New York, and am assigned to various types of investigations, including the use of the U.S. Mails to transmit dangerous items, and am primarily responsible for investigations involving the illegal use of the U.S. Mail in the trafficking of narcotics, controlled substances, illegal drugs or proceeds derived from the sale of controlled substances in violation of Title 21, United States Code, §§ 841 and 846. I have been so employed for over 22 years, with over 16 years as a Postal Inspector assigned to our Syracuse, N.Y. office. These investigations have involved the mailing of methamphetamine, marijuana, cocaine, heroin, steroids and other controlled and non-controlled prescription drugs. I have also been involved in the investigation of the mailing of U.S. Currency as payment for illegal drugs sent through the U.S. Mails, or as payment for illegal drugs brought into the Northern District of New York by other means. These investigations have led to the arrests of individuals mailing or receiving illegal drugs or proceeds from the sale of illegal drugs from Puerto Rico, Florida, Nevada, New Jersey, Texas, California, and Arizona to (or from) the Northern District of New York. I make this affidavit as part of an application for a Search Warrant to search a U.S. Postal Service Priority Mail Express Parcel currently in the Northern District of New York, in the custody of the U.S. Postal Inspection Service located at 5640 East Taft Road, Syracuse, NY 13220.

2. While employed as a U.S. Postal Inspector, I have assisted other experienced U.S. Postal Inspectors, Federal Law Enforcement Officers and State and Local investigators in various narcotics investigations throughout the United States involving the transportation of controlled substances, as well as those involving proceeds derived from the distribution of controlled substances via the mail, in violation of Title 21 U.S.C. §§ 841(a)(1), 843(b), and 846. As a

Postal Inspector, I have also worked on many investigations involving the use of the mail and the Postal Service to launder and smuggle currency derived from specified unlawful activities, including narcotics distribution, in violation of 18 U.S.C. §§ 981, 982, 1956, and 1957, and 31 U.S.C. §§ 5324 and 5325. I have also participated in various interdiction operations targeting parcels containing illegal narcotics, and proceeds thereof, in Indianapolis, Indiana, Los Angeles, California, San Juan, Puerto Rico, Juneau, Alaska, Syracuse, New York and most recently in Albany, New York. While conducting investigations relative to the mailing of firearms, narcotics and currency, I have had the opportunity to become familiar with known trafficking source and destination areas, various smuggling methods and techniques used by traffickers, as well as the manner in which traffickers' package illicit firearms, narcotics and related proceeds.

3. On April 11, 2017, your affiant was contacted by United States Postal Inspector David Jones, of the San Diego, California Domicile. Inspector Jones advised he was working an investigation into the mailing of illegal drugs, specifically marijuana, from San Diego to locations throughout the United States. Inspector Jones also advised that he was aware that a U.S. Postal Service Parcel related to his investigation had been mailed to 35 Madison Ave, Auburn, NY 13021. Inspector Jones provided the tracking number of the parcel as 9505 5131 8266 7100 0953 39, and asked if the parcel could be intercepted and reviewed for further investigation.

4. On April 12, 2017, your affiant learned that Parcel 9505 5131 8266 7100 0953 39 had arrived at the Auburn, New York Post Office for processing and delivery. Your affiant contacted U.S. Postal Service employees and asked the parcel be sent to the U.S. Postal Inspection Service at 5640 East Taft Road, Syracuse, NY for further investigation.

5. On April 13, 2017, U.S. Postal Service Priority Mail Parcel 9505 5131 8266 7100 0953 39 arrived at U.S. Postal Inspection Service Offices in Syracuse, NY, and a visual inspection of the outside of the parcel was conducted. The parcel bore the return name and address of Cindy Lee, 3764 Winona Ave., San Diego, CA 92105 and was addressed to Patty Bayer, 35 Madison Ave, Auburn, NY 13021. The parcel was mailed in a brown cardboard box measuring approximately 16" x 13" x 10 5/8" and weighs 15 pounds, 13.6 ounces, as listed on the postage

label. The parcel bore postage in the amount of \$53.65, and the seam of the parcel was covered with clear tape. An image of U.S. Postal Service Priority Mail Parcel 9505 5131 8266 7100 0953 39 is attached, and incorporated herein, as **Exhibit #1**.

6. Your affiant is aware that it is common for mailers of illegal drugs, including marijuana, to completely seal the parcel with tape or other substances in order to prevent the odor of the marijuana from emanating from the box. Your affiant is also aware that the State of California, including the San Diego, California area, is known to be a drug source location. Over the past 16 years, I have investigated numerous parcels originating from the State of California destined for the Northern District of New York that have contained illegal drugs.
7. Also on April 13, 2017, a query was conducted using "CLEAR" (a fee-based database of names and addresses commonly used by law enforcement to query information) for the name "Cindy Lee" at the return address of 3764 Winona Ave., San Diego, CA 92105. The query returned as "No results were found..." A second broader query was conducted for the surname "Lee" at the return address of 3764 Winona Ave., San Diego, CA 92105, and again the query returned as "No results were found..." A third query was conducted using just the return address of 3764 Winona Ave., San Diego, CA 92105 and again the query returned as "No results were found..."
8. Your affiant also conducted an internet query using USPS.COM, under *Look Up A ZIP Code* web page for the address of 3764 Winona Ave., San Diego, CA 92105. The search returned "*The address you provided is not recognized by the U.S. Postal Service as an address we serve. Mail sent to this address may be returned.*"
9. An internet search using the internet search engine "Google" for the address of 3764 Winona Ave., San Diego, CA 92105 returned a map on Google Maps for the address of 3764 Winona Ave., San Diego, CA. A more detailed review of the map, and additional Google searches indicated that Winona Ave was a valid street in San Diego, CA 92105, however the street address of 3764 could not be located.

10. Based upon the searches using CLEAR, USPS Zip Code Locator, and the search engine Google it appeared that the street address of 3764 was an invalid street number and the return name of Cindy Lee was not associated to the location.

11. Your affiant also conducted queries using CLEAR for the name and address of Patty (and Patricia) Bayer at the delivery address of 35 Madison Ave., Auburn, NY 13021 as listed on the parcel. The queries each returned as "No Results Were Found..." A second broader query was conducted for the address of 35 Madison Ave, Auburn, NY 13021 and the query returned with 28 returns; however the name Patty Bayer did not return as associated to the address. An additional query was made using CLEAR for the Patty (and Patricia) Bayer in the city of Auburn, NY 13021, and again the query returned as "No results were found..."

12. Your affiant is aware that mailers of parcels containing illegal drugs, or proceeds of drug related activity often utilize fictitious names and/or fictitious addresses in order to avoid detection. Investigators are also aware that it is common for recipients of drug related parcels to utilize addresses that they are loosely associated with or familiar with in order to ensure the parcel is received, but also allow recipients to feign ignorance or attempt to disassociate themselves from the address to avoid detection.

13. On April 14, 2017, U.S. Postal Service Priority Mail Parcel 9505 5131 8266 7100 0953 39 was independently subjected to canine examination by New York State Police Canine Handler Eric F Knapp, and his canine "Scotty." At 12:30PM, canine handler Knapp informed Postal Inspectors that Scotty had positively alerted to the parcel for the presence of narcotics. Your affiant was present and observed Scotty's canine alert. Canine Handler Knapp provided a detailed deposition on the canine exam and the canine's certification. The deposition is attached as **Exhibit #2**.

14. Your affiant is aware that individuals who regularly handle controlled substances often leave the scent of controlled substances on the box, packaging materials and other package contents they handle. Packaging materials are also often stored in close proximity to the controlled substances, transferring the odor of the controlled substance to the packaging

materials, contents and parcel. Narcotics detection canines receive training to alert on these scents.

15. Your affiant is also aware, through his training and experience, that drug traffickers often utilize the U.S. Mails, including Priority Mail, for the delivery of controlled substances for many reasons, including but not limited to:

- A. Items sent via Priority Mail are considered to be First Class Mail; therefore, cannot be examined without a federal search warrant.
- B. Priority Mail is generally expected to be delivered in 2-3 business days. This ensures the drug dealer of expedited delivery.
- C. Various dispatch times (times which a mailed item is transported to the next destination) are available to customers, upon request, and gives the mailer the opportunity to have some control over the arrival of the mailed item.
- D. Individuals desiring to either send or receive controlled substances and payments for these substances through the U.S. Mails can do so without having to provide identification; therefore, reducing the possibility of revealing their true identity.
- E. Priority Mail Service includes the use of individual parcel tracking numbers, which allow the sender and/or intended recipient to track the travel of the parcel by telephone or internet.

12. Based on the facts set forth in this affidavit, my training and experience, and the training and experience of others involved in the investigation, your affiant believes that the foregoing facts establish probable cause to believe that there are controlled substances and/or narcotic proceeds, packaging, shipping records, notes and correspondence, and/or evidence tending to identify the source of the package and the intended recipient of the above-described parcel. These items could constitute evidence of violations of federal law, including Title 21, United States Code, §§ 841(a)(1) and 846. I respectfully request that the Court issue the requested search warrant so that this package can be searched and any evidence recovered become available for use for further investigation(s) or criminal prosecution(s). Additionally, your affiant requests the

seizure of the parcels, controlled substances, currency, and/or negotiable instruments contained therein.

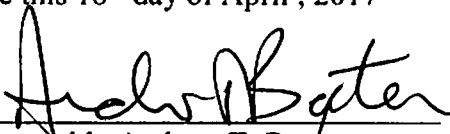
**Sealing Request For This Application and Affidavit**

13. I respectfully request that this Application and Affidavit be sealed until further order of this Court. The investigation underlying this Application and Affidavit will continue for some period of time after execution of any warrants applied for herein, and which are subsequently issued by this Court.

A handwritten signature in black ink, appearing to read "Matthew R. Puro", written over a horizontal line.

Matthew R. Puro  
Postal Inspector

Subscribed to and sworn to before  
me this 18<sup>th</sup> day of April , 2017

A handwritten signature in black ink, appearing to read "Andrew T. Baxter", written over a horizontal line.

Honorable Andrew T. Baxter  
U.S. Magistrate Judge

**ATTACHMENT A**

U.S. Postal Service Priority Mail Parcel 9505 5131 8266 7100 0953 39, a Priority Mail Parcel packaged in a large brown cardboard box, bearing the return name and address of Cindy Lee, 3764 Winona Ave., San Diego, CA 92105 and addressed to Patty Bayer, 35 Madison Ave., Auburn, NY 13021. The parcel weighs 15 pounds, 13.6 ounces, and measures approximately 16" x 13" x 10 5/8".



# Exhibit 1

Cindy Rose  
35 Madison Ave  
Saratoga, CA 9505

PRIORITY  
\* MAIL \*

PRIORITY  
\* MAIL \*

PRIORITY  
\* MAIL \*

PRIORITY  
\* MAIL \*

to Patty Boyer  
35 Madison Ave  
Auburn, NY 13021

9505 5131 8286 7100 0953 39



USPS TRACKING NUMBER

Expected Delivery Day: 04/12/2017

[C016]

PRIORITY MAIL 33-Day

ONLY 80%  
Reduction with  
to 10 lbs 13 oz  
for 10.95  
(49/9870-43)

**P**

US POSTAGE PAID  
**\$53.65**

REGISTERED MAIL

Retel

# Exhibit 2

SUPPORTING DEPOSITION (CPL §100.20)

PAGE 1 OF 1

## NEW YORK STATE POLICE

THE PEOPLE OF THE STATE OF NEW YORK

-- vs. --

Defendant(s)

<u><b>INCIDENT LOCATION:</b></u>		<u><b>LOCATION OF DEPOSITION:</b></u>	
STATE OF NEW YORK <u>LOCAL CRIMINAL</u> COURT	STATE OF NEW YORK	COUNTY OF <u>ONONDAGA</u>	COUNTY OF <u>ONONDAGA</u>
TOWN <u>CLAY</u> of <u>CLAY</u>		TOWN <u>CLAY</u> of <u>CLAY</u>	

On <u>04/14/2017</u>	at <u>12:49 PM</u>	I, <u>ERIC F KNAPP</u>
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Date of Birth <u>08/15/1966</u>	No. and Street <u>7507 LAKEPORT ROAD</u>	CITY <u>CHITTENANGO</u>	State <u>NY</u>
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## State The Following:

Be it known that, by this supporting deposition, Trooper Eric F. Knapp swears that he is a duly appointed Police Officer and has been employed as such since May 20, 1999 by the New York State Police. Trooper Knapp has also been trained and certified as a canine handler since October 17, 2008. Trooper Knapp is currently paired with Canine "Scotty", a German Shepherd who is trained and certified, since March of 2015, as a narcotics detection canine by the New York State Police. Said canine is certified in the detection of marijuana, crack cocaine, powder cocaine, ecstasy, methamphetamine, heroin and LSD. On the 14th of April, 2017 at 12:30 pm at the United States Post Office, Taft Road, Town of Clay, County of Onondaga, State of New York, Trooper Knapp and Canine Scotty did conduct a canine sniff of a United States Priority Mail package bearing the United States Postal tracking number of 9505513182667100095339. The package measured 16" X 13" X 10 5/8" and was being sent to Patty Bayer, 35 Madison Ave, Auburn, NY 13021 with a return address from Cindy Lee, 3764 Winona Ave, San Diego, CA 92105. Said canine sniff did produce a canine alert, by scratching, for the presence of narcotics emanating from within the package.

The allegations of fact are made by Trooper Eric F. Knapp on direct knowledge.

**Notice**

(Penal Law §210.45)

In a written instrument, any person who knowingly makes a false statement which such person does not believe to be true has committed a crime under the laws of the state of New York punishable as a Class A Misdemeanor.

Affirmed under penalty of perjury

this 14 <sup>TH</sup> day of APRIL, 2017

- OR -

\* Subscribed and Sworn to before me

this \_\_\_\_\_ day of \_\_\_\_\_

\* This form need be sworn to only when specifically required by the court

(WITNESS)

Eric F. Knapp  
(NAME OF PERSON TAKING DEPOSITION)

Time Ended  
04/14/2017 01:03 PM